

## Message Text

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17

ACTION L-03

INFO OCT-01 EA-11 IO-14 ISO-00 ACDA-19 DPW-01 OMB-01 SR-02

ORM-03 AID-20 SCA-01 SAM-01 SAJ-01 SAB-01 CIAE-00

DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 PM-07

H-03 INR-10 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

AF-10 ARA-16 EUR-25 NEA-10 OIC-04 DRC-01 /201 W

----- 120348

O 280945Z MAR 74

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC IMMEDIATE 6554

INFO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L KUALA LUMPUR 1375

E.O. 11652: GDS

TAGS: PARM, ICRC

SUBJECT: LAW OF WAR CONFERENCE: DEMARCH ON WARS OF NATIONAL  
LIBERATION

REF: A. GENEVA 1875

B. GENEVA 1951

C. STATE 60451

1. I CALLED ON FOREIGN OFFICE DEPUTY SECY-GENERAL HASHIM  
SULTAN TO MAKE DEMARCHE REQUESTED REF C. ANTHONY YEO,  
CHIEF OF AMERICAN BUREAU, WAS ALSO PRESENT. SINCE GOM  
REPRESENTATIVE HAS NOT BEEN ATTENDING GENEVA SESSION, I  
PROVIDED TEXT OF ARTICLE 1 AS APPROVED BY COMMITTEE 1,  
AND SAID WHY IN US VIEW PLENARY SHOULD NOT ADOPT THIS  
LANGUAGE IN THIS YEAR'S SESSION. I STRESSED ARGUMENT THAT  
SUBJECTIVE POLITICAL CONCEPT OF "JUST WAR" WAS BEING  
INTRODUCED WHICH COULD REDUCE EFFECTIVENESS OF ENTIRE  
CONVENTION AND COULD PERHAPS PREVENT UNIVERSAL ACCEPTANCE.

2. AFTER STUDYING LANGUAGE OF PARA 2 TEXT, HASHIM  
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SAID HE DID NOT ENTIRELY AGREE THAT GENERAL CONCEPT OF

"JUST WAR" HAD BEEN INTRODUCED, BUT RATHER ANTI-COLONIAL CONCEPT PARTICULARLY IMPORTANT TO AFRICA. MALAYSIA, HE CONTINUED, HAD TAKEN POSITIVE POSITION AGAINST COLONIAL REGIMES IN AFRICA AND HAD CO-SPONSORED GUINEA-BISSAU RESOLUTION IN LAST SESSION OF GA. GOM WOULD FIND IT HARD TO CAST VOTE WHICH WOULD SEEM TO RUN COUNTER TO THIS ESTABLISHED POSITION.

3. I SAID THAT THE USG WAS PREPARED TO NEGOTIATE LANGUAGE WHICH WOULD RECOGNIZE AFRICAN CONCERN BUT THAT IN OUR VIEW "JUST WAR" CRITERIA WAS UNACCEPTABLE. I SAID THAT WE WERE SEEKING OPPORTUNITY TO FIND GENERALLY ACCEPTABLE COMPROMISE.

4. HASHIM SAID THAT HE WOULD CONSULT WITH FOREIGN OFFICE LEGAL BRANCH AND ATTEMPT TO GET DECISION IN TIME FOR VOTE. HE CAUTIONED, HOWEVER, THAT DECISION MIGHT NOT SUPPORT US POSITION.

5. AFTER RETURN TO OFFICE WE HAD PHONE CALL FROM YEO, WHO SAID DECISION HAD BEEN REACHED NOT TO SEND INSTRUCTIONS TO GENEVA. IF MALAYSIA WERE REPRESENTED IT WOULD FEEL COMPELLED TO VOTE FOR DRAFT, HE SAID.  
UNDERHILL

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** WAR, LAW, AGREEMENT DRAFT, MEETINGS, MEETING VOTING RECORDS, FOREIGN POLICY POSITION  
**Control Number:** n/a  
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**Draft Date:** 28 MAR 1974  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**To:** STATE  
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